

## PART 222—DOD MANDATORY DECLASSIFICATION REVIEW (MDR) PROGRAM

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APPENDIX A TO PART 222—ADDRESSING MDR REQUESTS.

AUTHORITY: 5 U.S.C. 552.

SOURCE: 76 FR 80745, Dec. 27, 2011, unless otherwise noted.

### § 222.1 Purpose.

This part implements policy established in DoD Instruction 5200.01. It assigns responsibilities and provides procedures for members of the public to request a declassification review of information classified under the provisions of Executive Order 13526, or predecessor orders.

### § 222.2 Applicability.

This part applies to the Office of the Secretary of Defense, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within DoD (hereafter referred to collectively as the “DoD Components”).

### § 222.3 Definitions.

Unless otherwise noted, these terms and their definitions are for the purpose of this part.

*Foreign Government Information (FGI).* Defined in DoD 5200.1–R (available at <http://www.dtic.mil/whs/directives/correspdf/520001r.pdf>).

*Formal Control System.* A system designed to ensure DoD Component accountability and compliance. For each MDR request, the system shall contain, at a minimum, a unique tracking number, requester’s name and organizational affiliation, information requested, date of receipt, and date of closure.

*Formerly Restricted Data.* Defined in DoD 5200.1–R.

*MDR.* The review of classified information for declassification in response to a declassification request that meets the requirements under section 3.5 of Executive Order 13526, “Classified National Security Information,” December 29, 2009.

*Restricted Data.* Defined in DoD 5200.1–R.

### § 222.4 Responsibilities.

(a) The Director, Washington Headquarters Services, shall process MDR requests for OSD, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, and DoD Components not listed in the Appendix A to this part.

(b) *Heads of the DoD Components.* The Heads of the DoD Components listed in the Appendix A to this part shall:

(1) Establish procedures for the processing of MDR requests and appeals for information originating within the Component.

(2) Appoint an appellate authority to adjudicate MDR appeals for the Component.

### § 222.5 MDR processing procedures.

(a) *General.* The DoD Components shall process MDR requests from the public for classified information originating within the DoD Component in accordance with DoD 5200.1–R and 32 CFR part 2001.

(b) Information not subject to review for public release under the MDR includes:

(1) Unclassified information (to include documents) or previously classified documents that are declassified prior to the receipt of the MDR request. These documents must be requested under the provisions of 5 U.S.C. 552(b) (also known and hereinafter referred to as the “Freedom of Information Act”) (FOIA) and 32 CFR part 286.

(2) Information (to include documents) reviewed for declassification within 2 years preceding the date of receipt of the MDR request. If this is the case, the requester shall be provided the documents as previously released and advised of the right to appeal to the DoD Component within 60 days unless the documents are already under appeal to the Interagency Security Classification Appeals Panel (ISCAP).